

Benefits Review Board
P.O. Box 37601
Washington, DC 20013-7601



BRB No. 16-0106 BLA

CHARLIE E. SALYERS

Claimant-Respondent

V.

KNOX CREEK COAL CORPORATION

Employer-Petitioner

DIRECTOR, OFFICE OF WORKERS'
COMPENSATION PROGRAMS, UNITED
STATES DEPARTMENT OF LABOR

Party-in-Interest

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DATE ISSUED: 11/22/2016

ORDER

On August 9, 2016, counsel for employer filed a Notice of Withdrawal as Counsel, stating that employer's parent company, Alpha Natural Resources (Alpha), filed for reorganization under Chapter 11 of the Federal Bankruptcy Code, and its bankruptcy plan has been confirmed. Counsel further states that Alpha instructed counsel to withdraw in claims where Alpha was self-insured, and specifically instructed counsel to withdraw in this claim.

In response, on November 17, 2016, the Director, Office of Workers' Compensation Programs (the Director), filed a Motion to Remand for Payment of Benefits by the Black Lung Disability Trust Fund (the Trust Fund). The Director states that the Trust Fund accepts liability for this claim and does not contest claimant's entitlement to benefits. Accordingly, the Director requests that employer's appeal be dismissed, and that the claim be remanded to the district director for payment of benefits by the Trust Fund.

In view of the above, the Board grants the Director's motion, dismisses this appeal, and remands this case to the district director for payment of benefits by the Trust Fund. *See* 26 U.S.C. §9501(d)(1)(B); 20 C.F.R. §725.1(c), (e).

SO ORDERED.

BETTY JEAN HALL, Chief
Administrative Appeals Judge

GREG J. BUZZARD
Administrative Appeals Judge

JONATHAN ROLFE
Administrative Appeals Judge